

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ROBERT W. BETHEL,**

**Plaintiff,**

**v.**

**WARDEN CHARLOTTE JENKINS, *et al.*,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:15-cv-3016**

**JUDGE ALGENON L. MARBLEY**

**Magistrate Judge Deavers**

**ORDER**

This matter comes before the Court on the Magistrate Judge's July 2, 2018, Report and Recommendation which recommended that the Court deny Defendants' Motion to Dismiss and deny without prejudice the parties' motions for summary judgment.

The Report and Recommendation specifically advised the parties that the failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. (*Id.* at 2-3). The parties have failed to file any objections, and the deadline for objections (July 16, 2018) has lapsed.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. The Motion to Dismiss (ECF No. 42) is **DENIED** and the Motions for Summary Judgment (ECF Nos. 44, 46, 54) are **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

s/ Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED: August 1, 2018**